

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**WILLIAM R. LAMB, II
and DUYEN MY LAMB**

PLAINTIFFS

V.

CIVIL ACTION NO.: 1:21-cv-279-TBM-RHWR

**LOWE'S HOME CENTERS, LLC,
LOWE'S HOME IMPROVEMENT STORE NO. 2350,
and FLORIM USA, INC.**

**DEFENDANTS/THIRD-
PARTY PLAINTIFFS**

V.

CHAD BRYANT

THIRD-PARTY DEFENDANT

**DEFENDANT LOWE'S HOME CENTERS, LLC'S
UNOPPOSED MOTION FOR LEAVE TO AMEND THIRD-PARTY COMPLAINT**

COMES NOW the Defendant, Lowe's Home Centers, LLC's ("Lowe's") and files this, its Motion for Leave to Amend Third-Party Complaint, and in support thereof, would show unto this Honorable Court the following:

1. On June 28, 2021, Plaintiffs filed their Complaint in the Circuit Court of Hancock County, Mississippi. Plaintiffs assert that they purchased seven pallets of tile from Lowe's to be used at the Plaintiffs' residence. Plaintiffs further allege that the tile had substantial and extreme variations in color.

2. On August 25, 2021, Lowe's filed its Notice of Removal removing this action to this Court.

3. On November 11, 2021, Plaintiffs filed their Amended Complaint adding Florim USA, Inc. as a defendant in this matter.

4. In discovery in this matter, Plaintiffs identified Chad Bryant as the installer of the tile at Plaintiffs' residence. On November 12, 2021, Lowe's filed its Motion for Leave to File

Third-Party Complaint to add Chad Bryant as a Third-Party Defendant.

5. On November 22, 2021, the Court granted Lowe's Motion for Leave to File Third-Party Complaint. On November 22, 2021, Lowe's filed its Third-Party Complaint adding Chad Bryant as Third-Party Defendant.

6. Following the filing of the Third-Party Complaint, Lowe's made numerous efforts to serve Chad Bryant with the Summons and Third-Party Complaint. Unfortunately, Lowe's was unable to locate and serve Mr. Bryant. As such, on April 6, 2022, Lowe's sought an extension of time to serve the Summons and Third-Party Complaint. The Court granted the extension of time on April 7, 2022.

7. Through further investigation, Lowe's has learned that name of the installer identified by Plaintiffs was incorrect. Rather, the installer's name is Chad Bryan, not Chad Bryant.

8. Lowe's seeks leave to amend its Third-Party Complaint filed on November 22, 2021 to correct the name of Third-Party Defendant. Rule 15 of the Federal Rules of Civil Procedure states that "leave shall be freely given when justice so requires." Fed.R.Civ.P. 15(a). Moreover, Lowe's has good cause to amend the Third-Party Complaint given the incorrect information regarding the actual installer of the tile.

9. Lowe's would state that the Third-Party Defendant was not a party to the original suit filed by Plaintiffs.

10. Lowe's therefore requests that this Honorable Court enter an Order permitting Plaintiff to amend its Third-Party Complaint for the reasons set forth herein. A copy of the proposed Amended Third-Party Complaint is attached hereto as Exhibit "A."

WHEREFORE PREMISES CONSIDERED, Lowe's respectfully requests leave to amend its Third-Party Complaint.

This the 8th day of June, 2022.

Respectfully submitted,

/s/B. Lyle Robinson

B. Lyle Robinson (MSB#: 100015)

Ginny Y. Deliman (MSB#: 102199)

TAYLOR, WELLONS, POLITZ & DUHE, LLC

100 Webster Circle, Suite 104

Madison, Mississippi 39110

Telephone: 769-300-2988

Facsimile: 769-300-2145

Email: lrobinson@twpdlaw.com

Email: gdeliman@twpdlaw.com

**Attorneys for Lowe's Home Centers, LLC and
Lowe's Home Improvement Store No. 2350**

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the above and foregoing pleading with the Clerk of the Court using the ECF system which sent notification of such filing to the following counsel of record:

Paul M. Newton, Jr.
Newton Law Firm, PLLC
Post Office Box 910
Gulfport, MS 39502
Attorney for Plaintiffs

This the 8th day of June, 2022.

s/ B. Lyle Robinson
B. Lyle Robinson